

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOSEPH LEGRANO,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Defendant.

ROSS, United States District Judge:

Petitioner, Joseph Legrano, proceeding pro se, having filed the captioned lawsuit as one styled as "Petitioner's Independent Action in Equity Pursuant to the Provisions of Rule 60(b)(5) and (6) of the Federal Rules of Civil Procedure," it is hereby

ORDERED that within twenty (20) days of the date of this order, Respondent, by the Office of the United States Attorney's Office for the Eastern District of New York, file a response to the petition. It is requested that, in addition to any other matter deemed pertinent, Respondent address in its answer whether this court should construe this proceeding as one brought pursuant to 28 U.S.C. § 2241, challenging the conditions of Petitioner's confinement, and, if so, whether this court should transfer the petition to the District of Massachusetts; and

IT IS FURTHER ORDERED that Petitioner's reply to Respondent's answer  
be served and filed by October 31, 2005.

SO ORDERED:

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Allyne R. Ross  
United States District Judge

Dated: Brooklyn, New York  
September 27, 2005

SERVICE LIST

Petitioner

Joseph Legrano  
Reg. No. 13548-053  
Federal Medical Center Devens  
P.O. Box 879  
Ayer, MA 01432

Defendant

U.S. Attorney's Office  
Eastern District of New York  
One Pierrepont Plaza  
14<sup>th</sup> Floor  
Brooklyn, NY 11201